

OGC Has Reviewed

under the President's program. It would appear completely inconsistent for me to suspend the employee under these circumstances, and I have carefully reviewed the case and have determined that suspension is not necessary or desirable in the interests of national security. I am not only willing to have all the information reviewed by outside, impartial persons of proper qualifications, but believe it essential under the circumstances to have such a review and re-evaluation.

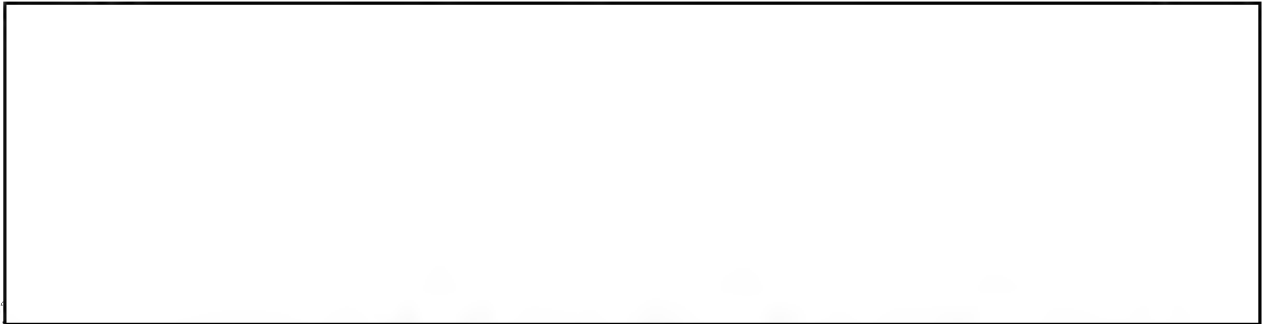
The Act of August 26, 1950 gives the head of the agency absolute right to suspend or not in any case to be reviewed under that Act, but it then proceeds to set certain requirements for notice and hearings if suspension is directed. I believe this is a necessary and proper protection for a suspended employee and that the statute was so worded to require this protection, but it appears to me that the spirit of Executive Order 10450 implies that the protection should run also to the Agency so that the head thereof can obtain the objective advice of an impartial board. I find nothing in the Act of August 26, 1950, or the Executive Order which forbids reference to a board under these circumstances, and it appears to me to be a highly proper and, in some instances, necessary procedure. This, in fact, seems to be the purport of Section 5 of the Executive Order, which provides that following receipt of derogatory information and prior to suspension under authority granted in paragraph 6 of the Order, the head of each agency "... shall review, or cause to be reviewed, ... the case of such ... employee." (Emphasis added)

Based on the foregoing, I feel it is quite proper to appoint a Board from the Civil Service Roster to consider the case of an employee who has not been suspended.

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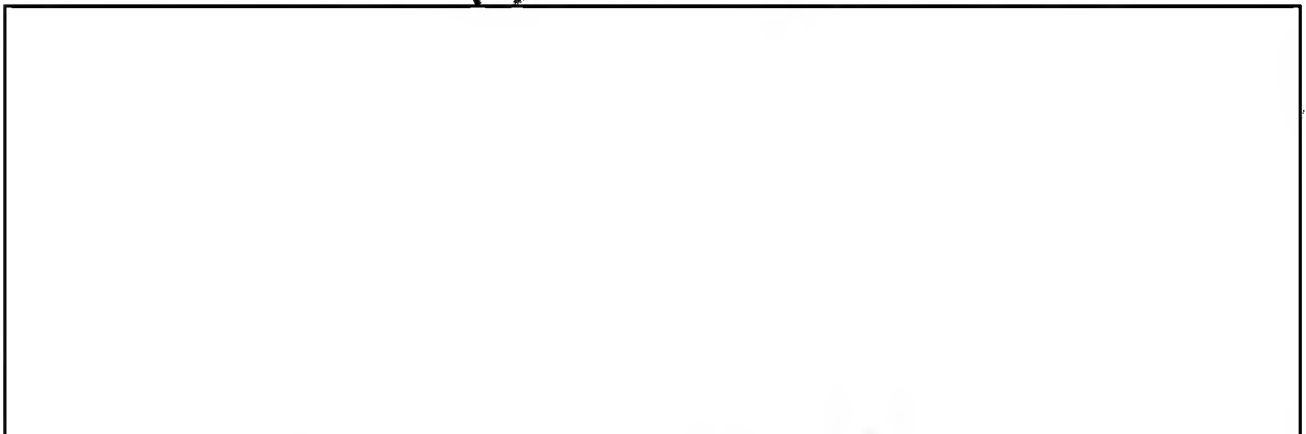
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I could equally well meet the requirement for impartiality of review by choosing boards from qualified people outside of the Government to review and recommend as might be appropriate, but if the procedures under the Executive Order are adequate for our needs, I wish, of course, to stay within the President's program.

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Sincerely yours,

OGC:TMF:LRH:imm

cc: DCI(2)
Director of Security
OGC (2)
DD/A✓

Allen W. Dulles
Director

Originating officer:

Releasing Officer:

19/
Lawrence R. Houston
General Counsel

19/
L. K. White
Acting Deputy Director
Administration